

AO 91 (Rev. 11/11) Criminal Complaint

Approved by: Drew E. Davis 2/6/2024

## UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America

v.

THAO DUC HA

*Defendant(s)*

Case No. M-24- 108 -STE

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 5, 2024 in the county of Oklahoma in the  
Western District of Oklahoma, the defendant(s) violated:

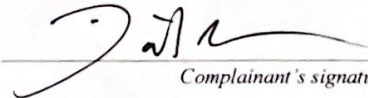
*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)  
 18 U.S.C. § 922(o)

Felon in Possession of Firearms  
 Possession of a Machine Gun

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

*Complainant's signature*

DAVID MOORE, Special Agent, ATF

*Printed name and title*

Sworn to before me and signed in my presence.

Date: Feb 6, 2024Lawton, OKCity and state: [REDACTED]

*Judge's signature*

SHON T. ERWIN, U.S. Magistrate Judge

*Printed name and title*

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**AFFIDAVIT**

I, David Moore, being duly sworn, do hereby state:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a Special Agent with ATF since March 2022. Prior to my employment with ATF, I was employed as a police officer in the State of Oklahoma for approximately 10 years. I have been employed in law enforcement for approximately 11 years. I am a graduate of the Federal Law Enforcement Training Center (FLETC) Criminal Investigations Training Program (CITP) and the ATF National Academy. As part of my duties as a Special Agent with ATF, I investigate criminal violations related to firearms trafficking, and the illegal possession of firearms by prohibited persons. I am currently assigned to the Oklahoma City Field Office and am charged with investigating violations of federal law, including violations of the Gun Control Act of 1968, as amended (Title 18, United States Code, Sections 921 et seq.), explosives, arson, alcohol, and tobacco laws. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants under the authority of the United States.

2. I am familiar with the information contained in this affidavit through personal investigation and/or information received from other law enforcement agencies and officers, mentioned herein, who have participated in and/or contributed documentary reports of their investigative efforts in this matter. This

affidavit contains information necessary to establish probable cause in support of this Complaint and is not intended to include every fact, or matter, observed or known by me.

3. This affidavit is presented for the limited purpose of seeking a federal complaint and arrest warrant for **THAO DUC HA, a.k.a T**, a male, born March 19, 1984. This Complaint and Arrest Warrant are being sought for violations of Title 18, United States Code, Section 922(g)(1), felon in possession of a firearm, and Title 18, United States Code, Section 922(o), the unlawful possession of a machine gun.

### **PROBABLE CAUSE**

4. On May 11, 2009, **THAO DUC HA** was convicted of a felony in Oklahoma County District Court case CF-2008-7014, distribution of controlled dangerous substance, using offensive weapon in felony, and concealing stolen property.

5. On February 4, 2024, Oklahoma County District Judge Jason Glidewell, issued a search warrant for 3708 Williams Street, Oklahoma City, Oklahoma, **HA's** residence, which is located in the Western District of Oklahoma, after probable cause was shown **HA**, a convicted felon, was in possession of and storing firearms inside his residence.

6. On February 5, 2024, officers with the Oklahoma City Police Department and ATF Special Agents served the search warrant at **HA's** residence. As officers approached the front of the residence, I observed **HA** running away from the back door of the residence holding a box of firearms. I gave **HA** commands to stop and drop the box, to which he complied. Officers searched the box and located multiple firearms including firearms with machine gun conversion devices attached.



Figure 1: Image of one of the recovered machine gun conversion devices.

7. The device (Figure 1) is commonly called a Glock switch. Based on my training and experience, I am aware that a Glock switch is a device that can be installed on a normal Glock handgun, which enables the firearm to fire more than one round for each pull of the trigger. Therefore, a properly installed Glock switch to a Glock handgun converts the semi-automatic firearm to a machinegun as defined in Title 18, United States Code, Section 921(a)(24).<sup>1</sup>

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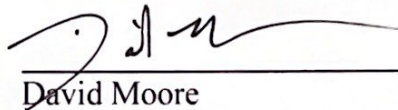
<sup>1</sup> For purposes of a criminal violation under 18 U.S.C. § 922, Title 18, United States Code, Section 921(a)(24) adopts the definition of “machinegun” as set forth in the National Firearms Act, 26 U.S.C. § 5845(b). Under § 5845(b), “[t]he term ‘machinegun’ means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, **any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.** 26 U.S.C. § 5845(b) (emphasis added). Accordingly, based on my training and experience, a Glock switch meets the definition of “machinegun” because it is a part that is solely intended for use in converting a weapon into a machinegun. Under 18 U.S.C. § 922(o), it is “unlawful for any person to transfer or possess a machinegun.”



8. On February 24, 2024, I sent photographs of the machinegun conversion device to the ATF Firearms & Ammunition Technology Division for an official examination. It was opined that the recovered machine gun conversion device is a Glock Switch type machinegun conversion device.

9. Based upon the aforementioned facts and circumstances, I believe that there is probable cause that on or about February 5, 2024, in Oklahoma County, Oklahoma, within the Western District of Oklahoma, **THAO DUC HA**, did knowingly possess firearms in violation of Title 18, United States Code, Section 922(g)(1), the penalty for which is found at Title 18, United States Code, Section 924(a)(8), and a machine gun in violation of Title 18, United States Code, Section 922(o), the penalty for which is found at Title 18, United States Code, Section 924(a)(2).

FURTHER I SAITH NOT.



David Moore

Special Agent

Bureau of Alcohol, Tobacco, Firearms and  
Explosives

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of February 2024.



SHON T. ERWIN

United States Magistrate Judge